

JUN 9 2004 4:55PM

BS QZ - CM

RECEIVED  
CENTRAL FAX CEN

NO. 1976 P. 4

JUN 09 2004

Appl. No. 09/728,418  
Amtd. Dated June 9, 2004  
Reply to Office action of March 22, 2004

3/Response to  
A, Wm3  
6/21/04

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No.	:	09/728,418	Confirmation No. 3843
Applicant	:	Earnest E. Hughes	
Filed	:	November 28, 2000	
TC/A.U.	:	2662	
Examiner	:	Christopher M. Swickhamer	
Docket No.	:	003239.P093	
Customer No.	:	8791	

Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

AMENDMENT

Sir:

In response to the Office action of March 22, 2004, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 7 of this paper.

Docket No: 003239.P093

Page 1 of 9

TVN/tm



## TRANSMITTAL FORM

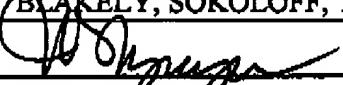
(to be used for all correspondence after initial filing)

Application No.	09/728,418		
Filing Date	November 28, 2000		
First Named Inventor	Earnest E. Hughes		
Art Unit	2662		
Examiner Name	Christopher M. Swickhamer		
Total Number of Pages in This Submission	12	Attorney Docket Number	3239P093

### ENCLOSURES (check all that apply)

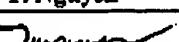
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08	<input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA		<small>Remarks</small> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Thinh V. Nguyen, Reg. No. 42,034  BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP		
Signature			
Date	June 9, 2004		

### CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.

Typed or printed name	Tu T. Nguyen		
Signature		Date	June 9, 2004

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w/r) 06/04/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

# FEE TRANSMITTAL for FY 2004

*Effective 01/01/2004. Patent fees are subject to annual revision.*

Applicant claims small entity status. See 37 CFR 1.27.

**TOTAL AMOUNT OF PAYMENT** (\$)

#### *Complete If Known*

Application Number	09/728,418
Filing Date	November 28, 2000
First Named Inventor	Earnest E. Hughes
Examiner Name	Christopher M.
Art Unit	2662
Attorney Docket No.	3239P093

#### METHOD OF PAYMENT (check all that apply)

Check     Credit card     Money Order     Other     None  
 Deposit Account

Deposit Account Number **02-2666**

Deposit Account Name **Blakely, Sokoloff, Taylor & Zafman LLP**

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below     Credit any overpayments  
 Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.18, 1.17, 1.18 and 1.20.  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

#### FEE CALCULATION

##### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1001	770	2001	385	Utility filing fee
1002	340	2002	170	Design filing fee
1003	530	2003	265	Plant filing fee
1004	770	2004	385	Reissue filing fee
1005	160	2005	80	Provisional filing fee
<b>SUBTOTAL (1)</b>		<b>(\\$)</b>		

##### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	20*	=	
Multiple Dependent	3	=	

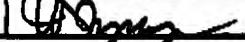
Large Entity		Small Entity		Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple Dependent claim, if not paid
1204	88	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2)</b>		<b>(\\$)</b>		

\*or number previously paid, # greater. For Reissues, see below

#### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051	86 Surecharge - late filing fee or oath
1052	50	2052	26 Surecharge - late provisional filing fee or cover sheet
2063	100	2053	180 Non-English specification
1812	2,520	1812	2,520 For filing a request for ex parte reexamination
1804	920*	1804	920 * Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840 * Requesting publication of SIR after Examiner action
1251	110	2251	66 Extension for reply within first month
1252	420	2252	210 Extension for reply within second month
1253	960	2253	475 Extension for reply within third month
1254	1,480	2254	740 Extension for reply within fourth month
1255	2,010	2255	1,005 Extension for reply within fifth month
1404	330	2401	165 Notice of Appeal
1402	330	2402	165 Filing a brief in support of an appeal
1403	280	2403	145 Request for oral hearing
1451	1,510	2451	1,510 Petition to Institute a public use proceeding
1452	110	2452	56 Petition to revive - unavoidable
1453	1,330	2453	666 Petition to revive - unintentional
1501	1,330	2501	666 Utility issue fee (or reissue)
1502	480	2502	240 Design issue fee
1503	640	2503	320 Plant issue fee
1460	130	2480	180 Petitions to the Commissioner
1807	50	1807	50 Processing fee under 37 CFR 1.17(q)
1806	160	1808	160 Submission of Information Disclosure Stmt
8021	40	8021	40 Recording each patent assignment per property (times number of properties)
1809	770	1809	385 Filing a submission after final rejection (37 CFR § 1.128(g))
1810	770	2810	385 For each additional invention to be examined (37 CFR § 1.128(b))
1801	770	2801	385 Request for Continued Examination (RCE)
1802	800	1802	900 Request for expedited examination of a design application
Other fee (specify)			
*Reduced by Basic Filing Fee Paid		<b>SUBTOTAL (3)</b>	
		<b>(\\$)</b>	

#### SUBMITTED BY

Name (Print/Type)	Thinh V. Nguyen	Registration No. (Attorney/Agent)	42,034	Telephone	(714) 557-3800
Signature				Date	06/09/04

Based on PTO/SB/17 (10-03) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 02/10/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450